THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23196 of 2006

15.11.2006

Between:

C.Srinivasulu, S/o.Thimmappa

..... PETITIONER

AND

The State of Andhra Pradesh, rep. by its District Collector,
Kadapa, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.23196 of 2006

ORDER:

The petitioner filed this writ petition seeking a writ of Mandamus declaring the action of the respondents in interfering with their right, title and possession of the land admeasuring Acs.9.04 in survey Nos.345, 346/2, 347/2, 351/2 and 352 situated at Chinna Chok Village in Kadapa District, as illegal and arbitrary.

It is the case of the petitioner that the subject land originally belonged to one Chippagiri Lakshmamma, who took loan from Rayalaseema Raithu Seva Sahakara Sangham Limited, a Cooperative Society by mortgaging the property. Since Lakshmamma could not repay the loan, Society conducted sale of property. The petitioner purchased the property. The Deputy Registrar of Cooperative Societies issued Sale certificate dated 09.9.2003 in favour of the petitioner. While so, the District Collector issued Circular dated 09.10.2006 directing the Mandal Revenue Officers of Kadapa, Chennur, Kazipet, Pendlimarri, C.K. Dinne and Vallur (i) to take necessary steps for resumption of the assigned lands to the Government under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) and (ii) to display Boards near such lands allegedly belong to the Government to the effect that all the registrations done in respect of such lands are invalid. The petitioner alleges that emboldened by the said Circular issued by the District Collector, the respondents are interfering with the possession of the petitioners and are trying to implement the orders of the District Collector in the said Circular. Apprehending coercive dispossession pursuant to said Circular, the present writ petition is filed.

At the stage of preliminary hearing the learned Assistant Government Pleader for Revenue (General-A) submits that the writ petition is filed on mere apprehension and that the respondents never interfered with the possession of the petitioner. The same is recorded. This Court also observes that as the petitioner has purchased the property under registered sale deeds and if the Government claims the land in possession of the petitioner, the remedies of the Government are to file a suit or to take action under the provisions of the Andhra Pradesh Land Encroachment Act, 1905, or the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, and in case the land is assigned land take necessary steps under the provisions of the Act.

The writ petition, with the above observations, is accordingly disposed of. No costs.

V.V.S.RAO, J

November 15, 2006
NOTE:
Issue order copy by
22-11-2006
(By order)
YS